

TOWN OF DELISLE

BYLAW NO. 10-2021

A BYLAW TO REGULATE PROPERTY MAINTENANCE AND ABATE NUISANCES.

The Council of the Town of Delisle in the Province of Saskatchewan enacts as follows:

1. **Short Title**

This Bylaw may be cited as "The Maintenance and Occupancy of Property and Nuisance Abatement Bylaw".

2. **Purpose**

The purpose of this Bylaw is to establish standards for the maintenance and occupancy of property, to ensure that such standards be maintained, and to provide for the abatement of nuisances, including property, activities or things that adversely affect:

- (a) the safety, health and/or welfare of people in the neighborhood;
- (b) people's use and/or enjoyment of their property;
- (c) the amenities of a neighborhood; and
- (d) the value of properties in the neighborhood.

3. **Definitions**

In this Bylaw:

- (a) "building" means any structure of either metal or wood or a combination of both, used or occupied or intended for supporting or sheltering any use or occupancy that:
 - (i) is not in storage;
 - (ii) is situated within the municipality for a period of more than 30 days;
 - (iii) has at least four walls that support a roof;
 - (iv) has at least one lockable door;
 - (v) has a floor and a foundation made of wood or concrete or a combination of both that is elevated to a level above the surrounding soil and/or terrain and is capable of discouraging vermin or other unwanted wildlife;
 - (vi) is built according to building codes at the time of construction or renovation; and
 - (vii) is not a sea container;
- (b) "municipality" means the Town of Delisle;
- (c) "council" means the Council of the Town of Delisle;
- (d) "dwelling unit" means a room or series of rooms of complementary use operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;
- (e) "graffiti" means any drawing, inscription, writing or other mark that disfigures or defaces any building, accessory building, fence or other structure, however made, or otherwise affixed;
- (f) "designated person" means an employee or agent of the municipality appointed by the Council and/or the Administrator to act as a municipal inspector for the purposes of this Bylaw;
- (g) "occupant" means an occupant as defined in *The Municipalities Act*;
- (h) "owner" means an owner as defined in *The Municipalities Act*;
- (i) "pre-existing condition" means a condition of a property or a thing that existed prior to the enactment of this Bylaw when it refers to the existing elevation of a property;
- (j) "property" means land or buildings or both;
- (k) "junked vehicle" means any automobile, tractor, truck, trailer, or other vehicle that:
 - (i) either:
 - (1) has no valid license plate attached to it; or
 - (2) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; or
 - (ii) is located on private land, but that:
 - (1) is not within an acceptable structure; and
 - (2) does not form a part of a business enterprise lawfully being operated on that land;
- (l) "structure" means anything erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil, or attached to something having permanent location on the ground or soil; but not including pavements, curbs, walks or open air surfaced areas;

(m) "town" means the Town of Delisle;

(n) "vermin" means rodents, insects, all noxious animals, birds or any destructive pests.

(o) "nuisance" means a condition of property, or a thing, or an activity, that adversely affects or may adversely affect:

- i) the safety, health or welfare of people in the neighborhood;
- ii) people's use and enjoyment of their property; or
- iii) the amenity of a neighborhood.

and includes:

- i) land that is overgrown with grass and weeds; and
- ii) Snow piles that could potentially cause drainage /sight line issues.

4. Responsibility

Unless otherwise specified, the owner of a property, including land, buildings, and structures, shall be responsible for carrying out the provisions of this Bylaw.

5. Nuisances Prohibited Generally

No person shall cause or permit a nuisance to occur on any property owned by that person.

6. Dilapidated Buildings

Notwithstanding the generality of section 5, no person shall cause or permit a building or structure to deteriorate into a ruinous or dilapidated state such that the building or structure:

- (a) is dangerous to the public health or safety;
- (b) substantially depreciates the value of other land or improvements in the neighbourhood; or
- (c) is substantially detrimental to the amenities of the neighbourhood.

7. Unoccupied Buildings

Notwithstanding the generality of section 5, no person shall cause or permit an unoccupied building to become damaged or to deteriorate into a state of disrepair such that the building is an imminent danger to public safety.

8. Overgrown Grass and Weeds

Notwithstanding the generality of Section 5, no owner or occupant of land shall cause or permit the land to be overgrown with grass or weeds.

For this section, "overgrown" means in excess of 0.20 metres (8 inches) in height.

This section shall not apply to any growth which forms part of a natural garden that has been deliberately planted to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses or combinations of them, whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass.

After having been served with an order under this section, no person shall permit or allow lands described in the order to become untidy again.

9. Untidy and Unsightly Property

Notwithstanding the generality of section 5, no person shall cause or permit any land or buildings to become untidy and unsightly due to graffiti or the accumulation of new or used lumber, tree branches, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal or other waste materials or junk.

Notwithstanding the generality of section 5, no person shall cause or permit any adjoining boulevards or lanes to become untidy and unsightly due to the accumulation of new or used items listed above.

After having been served with an order under this section, no person shall permit or allow lands described in the order to become untidy again.

10. Junked Vehicles

Notwithstanding the generality of section 5, no person shall cause or permit any junked vehicles (see k. in definitions) to be kept on any land owned by that person.

After having been served with an order respecting a junked vehicle under this section, no person shall permit or allow a junked vehicle on lands described in that order.

11. Refrigerators and Freezers

Any refrigerator or freezer left in a yard shall first have its hinges, latches, lid, door or doors removed or secured so as to not allow access into it.

12. Property Maintenance

Duty to maintain.

- (a) All property, including land, buildings, and structures, shall be maintained in accordance with the minimum standards prescribed in this section;
- (b) No person shall cause or permit the occupancy or use of any property, including land, building or structures that do not conform to the minimum standards;
- (c) Notwithstanding section 4, every occupant of a property, including land, buildings, and structures, shall:
 - (1) keep in a clean and sanitary condition that part of the property which the occupant occupies or controls;
 - (2) maintain exits to the exterior of the building in a safe and unobstructed condition;
 - (3) dispose of garbage and refuse and keep the property free from rubbish and other debris which might constitute fire, health or safety hazards; and
 - (4) keep any supplied fixtures clean and sanitary and exercise reasonable care in their proper use and operation.

13. Maintenance of Yards and Accessory Buildings

This section applies to all accessory buildings and yards within the Town.

- (a) All yards shall be kept free and clean from:
 - (1) garbage and junk;
 - (2) junked vehicles and dismantled machinery;
 - (3) excessive growth of weeds or grass;
 - (4) holes and excavations that could cause an accident;
 - (5) an infestation of rodents, vermin or insects;
 - (6) dead or hazardous trees; and
 - (7) sharp or dangerous materials.
- (b) All properties shall be graded in such a manner so as to prevent:
 - (1) excessive ponding of water; and
 - (2) excessive dampness accumulating near buildings or structures.

14. Outdoor Storage of Materials

- (a) Any building materials, lumber, scrap metal, boxes or similar items stored in a yard shall be neatly stacked in piles and elevated off the ground so as not to constitute a nuisance or harbourage for rodents, vermin, and insects; and
- (b) Materials referred to in subsection (a) shall be elevated at least 150 mm off the ground and shall be stacked at least 3 metres from the exterior walls of any building and at least 1 metre from the property line.

15. Open Excavations

Notwithstanding the generality of section 5, no person shall cause or permit any basement, excavation, drain, ditch, watercourse, pond, surface water, swimming pool or other structure to exist in or on any private land or in or about any building or structure which is dangerous to the public safety or health.

16. Graffiti

Notwithstanding the generality of Section 5, no person shall permit graffiti to remain on any building, accessory building, fence or on any other structure on property owned by that person.

17. Pet Waste

Pet waste shall be promptly removed from properties and disposed of in an acceptable manner. Pet waste shall not be allowed to accumulate in an unreasonable manner.

18. Walkways, Driveways and Parking Spaces

- (a) If a walkway, driveway, or parking space is provided, it shall be maintained so as to afford safe passage thereon under normal use and weather conditions;
- (b) Snow shall be removed by every commercial property owner from the sidewalk provided within twenty-four (24) hours after the same snowfall. If not, the town shall provide for and cause the same to be removed at the expense of the property owner. Failing payment to the Town of such removal by said occupant or owner, the expense shall be charged against the said property owner as a special assessment and shall be recoverable in like manner as other taxes; and
- (c) Ice buildup, on the sidewalk mentioned above, that cannot be removed shall have an ice melting product applied to it to lessen the ice hazard.

19. Waste Disposal

Every building shall be provided with a sufficient number of receptacles to contain all waste in accordance with the provisions of the Town's Waste Management Bylaw.

20. Accessory Buildings

- (a) Accessory buildings shall be kept:
 - (1) in good repair;
 - (2) free of infestation by rodents, vermin and insects;
 - (3) free of health, fire and safety hazards; and
 - (4) free of graffiti.

- (b) Accessory buildings shall be equipped with doors or closures and shall be kept secured so as to prevent unauthorized entry.

21. Fences

- (a) Fences shall be maintained in a safe and reasonable state of repair, made of materials appropriate for the neighbourhood, built to the height and standards as prescribed in any Bylaw or Resolution for the Town, and free of graffiti; and
- (b) Fences that incorporate barbwire shall not be allowed in a residential area or adjoining residential property.

22. Building Standards (Exterior)

This section applies to all buildings in the Town.

(a) Building Components

- (1) The structural components of every building, including roofs, stairs, railings, porches, decks, joists, rafters, beams, columns, foundations, floors, walls and ceilings shall be maintained in a safe condition, and shall be capable of performing the function that they were intended to perform.

(b) Exterior Walls

- (1) All exteriors on buildings must not be left open to the elements, water, wind and must be repaired within six (6) months of notice of infraction;
- (2) All exterior surfaces shall be made of materials which provide adequate protection from the weather;
- (3) Exterior walls shall be free of holes, breaks, loose or rotting boards or timbers or any other conditions which might admit rain or dampness to the interior walls or the interior spaces of the building; and
- (4) All exterior surfaces shall be free of graffiti.

(c) Roofs

- (1) A roof, including the fascia board, soffit, cornice, and flashing shall be maintained in a condition so as to prevent deterioration or leakage of water into the building and to prevent the unwanted entry of birds, vermin, or other pests; and
- (2) Water running off a roof shall be carried away from the building so as not to cause dampness in the walls, ceilings, or floors in the building but it shall not drain onto a public street so as to create a hazardous condition or onto any adjacent property so as to damage that property;

(d) Exterior Doors, Storm Doors, Egress Windows and Screens

A door shall be provided at each entrance to a building and when closed it shall be reasonably tight fitting within its frame.

(e) Stairs, Porches, Decks and Railings

- (1) Stairs, porches, decks, and railings shall be maintained in good repair so that no components are broken, loose, rotted or warped; and
- (2) A handrail shall be installed on at least one side of all exterior stairs having more than three risers as outlined in the National Building Code.

23. Enforcement, Offences and Penalties

The administration and enforcement of this Bylaw is hereby delegated to the Town Administrator for the Town of Delisle;

- (a) The Administrator of the Town of Delisle is hereby authorized to further delegate the enforcement of this Bylaw to the Bylaw Enforcement Officer, the Fire Chief, Delisle and District Fire Department, Town Foreman /Assistant Foreman and the municipal building inspectors for the Town of Delisle.

24. Inspections

- (a) The inspection of property by the Town to determine if this Bylaw is being complied with is hereby authorized;
- (b) Inspections under this Bylaw shall be carried out in accordance with section 362 of *The Municipalities Act*; and
- (c) No person shall obstruct a Bylaw Officer or other municipal inspector, who is authorized to conduct inspections under this section, or a person who is assisting a bylaw officer or municipal inspector.

25. Order to Remedy Contraventions

- (a) If a bylaw officer or a municipal inspector finds that a person is contravening this Bylaw, that bylaw officer or municipal inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention;
- (b) Orders given under this Bylaw shall comply with section 364 of *The Municipalities Act*;

- (c) Orders given under this Bylaw shall be served in accordance with section 390 of *The Municipalities Act*; and
- (d) Emergencies - In the event that it becomes an emergency to remedy a contravention of this Bylaw; the Town may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of section 367 of *The Municipalities Act*.

26. Registration of Notice of Order

If an order is issued pursuant to section 31, the Town may, in accordance with section 364 of *The Municipalities Act*, give notice of the existence of the order by registering an interest against the title to the land that is the subject of the order.

27. Appeal of Order to Remedy

- (a) A person may appeal an order made pursuant to section 31 in accordance with section 365 of *The Municipalities Act*; and
- (b) Appeals shall be made to the Council for the Town of Delisle within 15 days of the date of the Order.

28. Town Remedying Contraventions

The Town may, in accordance with section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a Contravention of this Bylaw.

29. Civil Action to Recover Costs

The Town may, in accordance with section 368 of the *Municipalities Act*, collect any unpaid expenses and costs incurred in remedying a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

30. Adding Amounts to Tax Roll

The Town may, in accordance with section 369 of *The Municipalities Act*, add any unpaid expenses and costs incurred by the Town in remedying a contravention of this Bylaw to the taxes on the property on which the work was done.

31. Offences

- (a) No person shall:
 - (1) fail to comply with an order made pursuant to this Bylaw;
 - (2) obstruct or hinder any bylaw officer or municipal inspector or any other person acting under the authority of this Bylaw; or
 - (3) fail to comply with any other provision of this Bylaw.
- (b) A person who fails to comply with an order made pursuant to Subsection (k) hereof within the period specified in the order, is guilty of an offence and liable on summary conviction to a fine of not more than \$250.00 for each day during which failure continues, to imprisonment for a term of not more than 90 days or to both such fine and imprisonment.
- (c) Where a bylaw enforcement officer or a peace officer believes that a person has contravened the provisions of this Bylaw, may by personal service, server or cause to be served upon such person a Notice of Violation in Form A as provided by this section.
- (d) The Notice of Violation in Form A shall be in a form similar to that provided as Form A of this Bylaw and shall indicate thereon the section of the Bylaw which was contravened, the amount of penalty to be paid as provided in Schedule "A" of this Bylaw and that the town will accept voluntary payment.
- (e) Where the Town receives voluntary payment within 10 days from the date of service, the voluntary payment amount shall be reduced by 50%.
- (f) Upon production of the Notice of Violation issued pursuant to subsection (d) together with payment as indicated on the Notice of Violation to the person to whom the Notice of Violation was issued shall not be liable for prosecution for the contravention in respect of which the Notice of Violation was given.
- (g) Payment of any Notice of Violation does not exempt the person from rectifying the original contravention.
- (h) Every person who contravenes any provision of subsection (a) is guilty of an offence, and liable on summary conviction:
 - (1) in the case of an individual, to a fine of not more than \$10,000;
 - (2) in the case of a corporation, to a fine of not more than \$25,000; and
 - (3) in the case of a continuing offence, to a maximum daily fine of not more than \$2,500 per day.
- (i) If an individual is convicted of an offence pursuant to this section, and if the individual fails to pay the fine with respect to the conviction within the prescribed time, the individual convicted may be imprisoned for a term of not more than 6 months, unless the fine is paid sooner.
- (j) This Bylaw may be enforced, and the contravention of any provision of the Bylaw restrained, by any court on action brought by the Town of Delisle, whether or not any penalty is imposed for the contravention.
- (k) Conviction of a person for a contravention of any provision of this Bylaw, and the convicting Judge or Justice of the Peace shall, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of the Bylaw or to remedy the contravention of the Bylaw.

32. Repeal Bylaw

Bylaw No. 3-2011, 4-2017 and 8-2018 are hereby repealed.

33. Coming Into Force

This Bylaw shall come into force on the day of its final passing.



Mayor

[Signature]



Administrator

[Signature]

"Certified a true copy of
Bylaw No. 10-2021 of the
Town of Delisle passed on
the 9th day of November, 2021."

Administrator

[Signature]

Schedule "A"
of Bylaw No. 10-2021

- | | |
|---|----------|
| 1. First offence | \$100.00 |
| 2. Second offence in a calendar year | \$200.00 |
| 3. Third and subsequent offences in a calendar year | \$300.00 |

"Form A"
of Bylaw No. 10-2021
NOTICE OF VIOLATION

DELISLE MUNICIPAL ENFORCEMENT NOTICE OF VIOLATION <small>AVOID PROSECUTION BY PAYING PROMPTLY</small>																																						
								TICKET NO. 0001																														
NAME _____ (Last) _____ (First) _____ (Middle) _____ (Suffix)																																						
ADDRESS _____ (Street) _____ (Apt) _____ (City) _____ (Prov) _____ (Postal Code)																																						
On or about the _____ day of _____, 20____ at _____ (Location)																																						
Did unlawfully commit the following offence under: Bylaw No. _____ at or near _____ (Location)																																						
Section No. _____ Short Title _____																																						
<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Animals <input type="checkbox"/> Parking/Traffic <input type="checkbox"/> Parks/Forestry </div> <div> <input type="checkbox"/> Snowmobiles <input type="checkbox"/> Licence <input type="checkbox"/> Noise </div> <div> <input type="checkbox"/> L1 Waste <input type="checkbox"/> Snow Removal <input type="checkbox"/> Abatement of Nuisances </div> <div> <input type="checkbox"/> Fire Prevention <input type="checkbox"/> Zoning <input type="checkbox"/> Other _____ </div> </div>																																						
Description of Offence _____ _____ _____ _____																																						
<input type="checkbox"/> Violation - To Avoid Prosecution, payment must be made. <div style="float: right;"> <input type="checkbox"/> Warning Only <small>*No further payment or action required</small> </div>																																						
If the Town of Delisle receives your payment within 10 calendar days from the date above, the amount to be paid is: \$ _____ PENALTY: After 10 days the Penalty Sum that must be paid for the above infraction is: \$ _____ <small>If payment is not received within 30 days from the issue date a summons will be issued.</small>																																						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="3">Driver's Licence No. _____</td> <td>Class _____</td> <td>Province _____</td> <td colspan="2">Other _____</td> <td rowspan="4" style="writing-mode: vertical-rl; transform: rotate(180deg); text-align: center;">TICKET</td> </tr> <tr> <td>Make _____</td> <td>Model _____</td> <td>Color _____</td> <td>Year _____</td> <td>Vehicle Make or VIN No. _____</td> <td>Prov. _____</td> <td>Exp. _____</td> </tr> <tr> <td colspan="7">OWNER'S NAME _____ (Last) _____ (First) _____ (Middle) _____ (Suffix)</td> </tr> <tr> <td colspan="7">OWNER'S ADDRESS _____ (Street) _____ (Apt) _____ (City) _____ (Prov) _____ (Postal Code)</td> </tr> </table>										Driver's Licence No. _____			Class _____	Province _____	Other _____		TICKET	Make _____	Model _____	Color _____	Year _____	Vehicle Make or VIN No. _____	Prov. _____	Exp. _____	OWNER'S NAME _____ (Last) _____ (First) _____ (Middle) _____ (Suffix)							OWNER'S ADDRESS _____ (Street) _____ (Apt) _____ (City) _____ (Prov) _____ (Postal Code)						
Driver's Licence No. _____			Class _____	Province _____	Other _____		TICKET																															
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OWNER'S NAME _____ (Last) _____ (First) _____ (Middle) _____ (Suffix)																																						
OWNER'S ADDRESS _____ (Street) _____ (Apt) _____ (City) _____ (Prov) _____ (Postal Code)																																						
I, _____, a sworn Officer authorized to issue this ticket for this jurisdiction. CERTIFY that I did: on the _____ day of _____, 20____, issue this ticket. <div style="text-align: right;">_____ Signature of Officer</div>																																						
PAYMENT OPTIONS: Payment can be made in person or by mail at the following address: <ul style="list-style-type: none"> Payment in Person or Mail: Town of Delisle, P.O. Box 40, 201 1st Street West, Delisle, Saskatchewan, S0L 0P0 Attention: FINE PAYMENTS <small>* If paying by mail, please reference your ticket number. * Cheques must be made payable to the Town of Delisle. * The Town of Delisle assumes no responsibility for cash sent through the mail.</small>																																						
If you have any questions relating to this ticket, please call the Bylaw Enforcement Officer for the Town of Delisle at 308-321-7617.																																						